

THE NEWS OF NORFOLK ON PAGES TWO, THREE, FIVE, SIX AND THIRTEEN

COURT DECISIONS.

Notes of Cases Recently Decided,
Which are of Interest to
Our People.

DIGESTED BY W. B. MARTIN,
(Exclusively for Virginian-Pilot.)

S. L. I. M. & S. R. CO. V. PAUL.
Supreme Court of the United States.
March 6, 1899.

THE ACT OF ARKANSAS REQUIRING RAILROAD COMPANIES TO PAY THEIR EMPLOYEES, WHEN DISCHARGED, THEIR UNEARNED WAGES, OR THAT SUCH WAGES SHALL CONTINUE AT THE SAME RATE UNTIL PAID, NOT EXCEEDING 60 DAYS, DOES NOT DENY SUCH COMPANIES THE EQUAL PROTECTION OF THE LAWS, NOR DEPRIVE THEM OF PROPERTY WITHOUT DUE PROCESS OF LAW.

This action was for wages, or a penalty, due plaintiff by the railroad company under an act of the Legislature of Arkansas requiring railroad companies to pay all employees when they were discharged the wages then earned, without deduction, or that such wages should continue at the same rate until paid, but not to exceed 60 days. The defendant claimed that the act was in violation of articles five and fourteen of the amendments to the Constitution of the United States. The lower courts gave judgment for the plaintiff and the railroad company appealed.

The contention is that as to railroad corporations organized prior to its passage, the act is void because in violation of the fourteenth amendment, corporations are the creations of the State, endowed with such faculties as the State bestows, and subject to such conditions as the State imposes, and the power to modify their charters is reserved, that reservation is a part of the contract, and no change within the legitimate exercise of the power can be said to impair its obligation; and as this amendment should be construed as deduced from the peculiar character of the business of the corporations affected and the public nature of their functions, and applied to all alike, the equal protection of the law was not denied.

The question then is, whether the amendment should have been held unauthorized because amounting to a deprivation of property forbidden by the Federal Constitution. The power to amend "cannot be used to take away property already acquired under the operation of the charter, or to deprive the corporation of the fruits actually reduced to possession of contracts lawfully made;" but any alteration or amendment may be made "that will not defeat or substantially impair the object of the grant, or any rights which have vested under it, and that the Legislature may deem necessary to secure that object or other public or private rights."

This act was purely prospective in its operation. It did not interfere with vested rights, or existing contracts, or destroy, or sensibly encroach upon, the right to contract, although it did impose a duty in reference to the payment of wages actually earned, which restricted future contracts in the particular named. In view of the fact that these corporations were clothed with a public trust, and discharged duties of public consequence, affecting the community at large, the Supreme Court held the regulation, as promoting the public interest, and as not depriving employees to the limited extent stated, of the property within the power to amend reserved under the State Constitution.

As much as the right to contract is not absolute, but may be subjected to the restrictions demanded by the safety and welfare of the State, we do not think that conclusion in its application to the power to amend can be disputed on the ground of infraction of the Four-

teenth Amendment. Judgment affirmed.

DELAWARE L. & W. R. CO. V. BUF-FALO.

Court of Appeals of New York,
February 28, 1899.

A CITY MAY FORCIBLY REMOVE AN OBSTRUCTION FROM A STREET, AND ITS COUNCIL CANNOT SURRENDER A STREET, WHOLLY OR PARTLY, TO THE USE OF A RAILROAD. THE RIGHT OF A RAILROAD TO CROSS A STREET WITH THE ASSENT OF THE CITY, DOES NOT AUTHORIZE IT TO OBSTRUCT THE STREET BY ABUTMENTS TO SUPPORT ITS STRUCTURE TO THE GREAT INCONVENIENCE OF THE PUBLIC.

This was an application by the plaintiff railroad company for an injunction against the City of Buffalo to restrain it from removing its abutments on Main street. The railroad crossed Main street at an elevation of about 12 feet above its surface and its structure rested upon abutments in the street which occupied about one-half of it. The Council of the city directed its Street Commissioner to notify the company to remove these abutments and if it did not do so within 90 days, to remove them himself. The Council of the city had granted permission to the railroad company to cross Main street, but not to exceed 60 days. The defendant claimed that the act was in violation of articles five and fourteen of the amendments to the Constitution of the United States. The lower courts gave judgment for the plaintiff and the railroad company appealed.

The court says: It is used by the learned counsel for the plaintiff that the city authorities have no right to forcibly remove this structure over the street. That depends upon the question whether it was or was not an encroachment upon the public right and an obstruction. If it was, the city had the right to remove it.

The learned counsel for the plaintiff contends that, since the structure has the sanction of legislative and municipal authority, it cannot in law be an obstruction or a nuisance which the State Council may remove. The assertion that this structure has the sanction of legislative authority is not quite correct. It is true that railroad companies are authorized to construct their roads across, along, or upon any street or highway in a city with the assent of the municipal authorities. That is simply a general authority to cross streets, with the consent of the local authorities. Nothing less than express authority to place these obstructions in the street will shelter the plaintiff from the consequences of creating a nuisance by the obstruction of a public highway.

It is equally clear that the plaintiff cannot justify the occupation of the street upon the ground that the municipal authorities originally consented to the erection of the structure. The Common Council of the city has no power to surrender a public street to the use of a railroad corporation. All it had the power to do was to consent to the crossing, and the same law which authorized a consent imposed a duty upon the company to restore the street to its former state or to such state as it might be necessary to impair its usefulness. It had no more power to surrender half of the street to the use of the plaintiff than it had to surrender the whole of it.

It is quite sufficient to say, therefore, that the municipal authorities, in the exercise of the power to permit railroads to cross streets, are not authorized to surrender to the railroad the exclusive use of a considerable portion of the street for the erection and maintenance of abutments and piers to sustain an elevated structure. Moreover, when the proceedings of the Common Council are all read together they are not open to the construction put upon them by the learned counsel for the plaintiff. It is quite plain that the governing body in the city never gave its consent to the erection of the particular structure now complained of.

The judgment should, therefore, be affirmed with costs.

Keen in mind—arguments tailored by Rudolph & Wallace are the best.

NEWS OF THE COURTS

The Grand Jury to Convene Monday Morning.

Damages Awarded For Breach of Contract—Transactions at the Clerk's Office—Police Court Racket—Princess Anne County Court.

The Corporation Court will meet again Monday. This is a grand jury term.

The Law and Chancery Court has only a few small cases to try before adjournment for this term.

In this court yesterday Judge Martin gave a judgment for \$208.41 to Robert Y. Zachary, who sued J. Beskin & Co. for damages arising out of a breach of contract for the sale of some flour.

MARRIAGE LICENSE.
The clerk's office yesterday issued a marriage license to William Gordon, a longshoreman, and Sallie Purdie, both colored.

PROPERTY TRANSFERS.
Deeds were recorded yesterday making the following transfers of property: From the Ghent Company to Walter T. Stanworth, lot on Bolesvian avenue; \$254.

From Thomas R. Roland, trustee, to H. P. Embury, lot fronting 28 feet on Southall's lane; \$455.

The Twin City Permanent Building Association of Norfolk, Va., to John R. Hill, lot improved west side of Recovery avenue, Brambleton Ward; \$1,350.

J. L. Webster et al. to John R. Todd, lot with improvements fronting 19 feet 6 inches on the north side of Olney road, Ribble Place; \$2,500.

J. L. Webster et al. to John R. Todd, lot with improvements 22 feet 7 inches on the north side of Olney road, Ribble Place; \$2,500.

Mrs. William A. Stroud to Mrs. Elkanah P. Powell, lot with improvements 26 feet 4 inches on the east side of Malby avenue, north of Brambleton avenue; \$1,500.

R. A. and B. O. Williamson to Edward Sawyer, lot with improvements on the south side of Tunstall avenue; \$1,000.

W. H. C. Ellis to Mary C. Wilcox, lot with improvements at the northeast corner of Freeman and Yarmouth streets; \$2,700.

THE POLICE COURT.

Frank McLaughlin, James M. Wright, C. C. Curtis and James M. Kelly, journeymen plumbers, were arraigned in the Police Court yesterday on the charge of assaulting Carey Wilburn, a former unionist, who has recently changed to the side of the master plumbers. Wilburn was also arraigned on a counter charge of assaulting one of the journeymen plumbers named above. All the cases were postponed until Monday, the Justice requiring each to give \$100 bail. The trouble grew out of the plumbers' strike. It seems that the young men, who are charged with assaulting Mr. Wilburn, were constituted by the striking unionists a committee to go to see him. Their side of the case is that Mr. Wilburn drew a knife, and that they simply disarmed him.

E. A. Gaddy, a plumber, who lives at 21 Virginia street, was arraigned before the Justice on a charge of unlawfully tapping the water main on Virginia street. The charge was brought by Mr. Walter Sharp, of the water department. It was dismissed at the cost of the defendant.

Daniel Jones, colored, was fined \$5 for sweeping paper and trash in the street. A crusade has been begun by the police against offenders of this kind.

Robert Russell, colored, charged by his wife, Courtney Ann Russell, with trying to poison her by substituting poison for medicine, was discharged, there being no evidence to substantiate the charge.

Jacob Anderson, colored, for driving a mule, was fined \$5.50.

On Jones, keeping a disorderly house at 127 Washington street; fined \$3.50.

Emory Jane Hill, colored, drunkenness and nuisance; fined \$5.

Mary L. Smith, colored, fighting Mary Hill, colored; fined \$5.
Abram Jones, colored, suspicious character; held for a week.
Oscar Nicholson, colored, assaulting Della Douglas, colored; fined \$5.
Ed. Johnson and Jack Miles, both colored, fighting; fined \$10.50 each.
George Staylor, maintaining a health nuisance; fined \$5.50.

William Maher, a youth, visiting improper houses; fined \$25 and a \$100 bond required for six months.

COURT NOTES.
The Princess Anne County Court will convene Monday. The case of Louis Swartz, the itinerant vendor of jewelry, who was indicted for assaulting Mrs. Caraway and a colored girl, is set for trial at this term.
Judge Edmund Waddill, of the United States Court, returned to Richmond yesterday. He will hold court at Alexandria this week, and next week will come here to hear several cases.

Benevolent Orders Elect Officers.
The following secret benevolent organizations have chosen their officers for the ensuing six months:

Rathbone Lodge, No. 93, Knights of Pythias: C. F. Barrett, Chancellor; Commander: G. W. Hoof, Vice-Chancellor; Commander: C. M. Thompson, Prelate; Morgan Bradford, Master-at-Arms; Joseph McRorie, Inside Guardian; B. F. Hopkins, Outside Guardian.
Charity Lodge, No. 10—K. of P.—J. W. Gale, C. C.; J. T. Higgins, V. C.; A. A. Stoltz, Prelate; T. B. Roberts, M. of W.; J. Croken, M. at A.; J. T. Armstrong, I. G.; H. C. Smith, O. G.

Old Dominion Encampment, No. 1, I. O. O. F.—T. A. Brown, C. P.; R. D. Williamson, S. W.; W. R. McDonald, H. P.; J. M. Martin, J. W.; R. H. Worsham, Secretary; J. Z. Gomez, F. Scribe; J. P. Epps, Treasurer.

Huntsville Lodge, No. 123, I. O. O. F.—B. T. Hopkins, Noble Grand; J. P. Holland, Vice-Grand; T. B. Kelly, Recording Secretary; G. W. Banks, Financial Secretary; John A. Leater, Treasurer; R. M. Pickett, Chaplain.
Norfolk Lodge, No. 32, I. O. O. F.—D. D. Hitchings, Sitting Past Grand; A. S. Dozier, Noble Grand; C. P. Schuma, Vice-Grand; George W. Toms, Recording Secretary; H. S. Vaughan, Financial Secretary; R. B. Wood, Treasurer; W. G. Ashby, Chaplain.

Virginia Rebekah Lodge, No. 13, L. O. O. F.—Sitting Past Grand, Mrs. R. M. Pickett; Noble Grand, Mrs. Batten; Vice-Grand, Mrs. Friedlin; Secretary, William Ballentine; Financial Secretary, Miss Emma V. Grape; Chaplain, Miss Florence Laylor.

Jerusalem Encampment, No. 4, I. O. E.—Chief Patriarch, George B. Hart; Senior Warden, J. A. Runaldue; High Priest, M. P. Grover; Junior Warden, Angel Vanderberry; Scribe, James E. McCoy; Treasurer, George W. Hill. Chief Patriarch Hart was commissioned as Deputy Grand for the ensuing year.

A big line of negligee shirts with prices that will make you a purchaser. **RUDOLPH & WALLACE,** 333 Main street.

Salaries Go Into Effect.

Yesterday being the first day of the fiscal year, the advance in the salaries of postoffice clerks, as per schedule published in this paper last Friday, went into effect. Mr. W. T. Sutton, heretofore substitute clerk, entered upon duty as general utility clerk, and Messrs. Hugh M. Johnson and Charles Ake, recently appointed from the eligible list, became substitute clerks.

OTHER LOCAL ON PAGE 11

The average buyer of Whiskey wants quality, not quantity, particularly if the extra quantity (D) consists of colored water of no value to the buyer, but of some worth to the seller for the purpose of deceit, in carrying out his representations of large measure.

G. O. Taylor Whiskies lead the list for purity, meet the requirements of chemical analysis, and are good stimulants to depend upon in emergencies of sudden chills, faintness, lung colds and debility in the aged.

Seked bottles of "G. O. T." Rye or Bourbon can be had from reliable local dealers. All genuine bottles bear our firm name signature on face and neck labels.
CHESTER H. GRAVES & SONS,
For sale at White Bros., Norfolk, Va., Brown's Hotel, Portsmouth, Va.



234 MAIN STREET.

The Sale of Sales of Men's Suits.

Every year men have waited and watched for these semi-annual Clearing sales. Because they know that we are sincere in our sacrificing—that they are held to really clear the counters. We are right in the midst of one of these sales now—one that gives you the choice of EVERY PATTERNED SUIT IN THE HOUSE—UP TO AND INCLUDING \$20—for

\$11.50

Suits we made with our greatest skill and taste—of fabrics that we selected with best judgment. There's a good wide range of patterns and sizes—but they are quickly going—as you might know they would.

More Men's Sample Straw Hats.

Lucky we bespoke these sample lines as we did, else the usual special selling would have to be omitted this season—for the Straw Hat factories are without reserve stocks and working day and night to catch up with the booked orders. But one by one we are gathering in the sample lines and 63 Hats go on the center tables this morning. There's a good variety of all the fashionable rough and split brims, in very latest shapes of stiff and soft brims—trimmed with plain and fancy bands.

It's a Choice of Hats 85c.
up to \$2 for

300 Crash Suits—\$2.50.

In plain and fancy patterns—some with Single-breasted Coats; others Double-breasted—best tailor cut and made—none worth less than \$2.50—and many have sold at \$5. Good Suits for your outing trip. All sizes \$2.50.

Men's Fine Duck trousers, standard weight and make—the kind that sell for \$2—Special price 98c. for 175 pairs.

Men's Fancy Crash Bicycle Pants, golf or bloomer style—regular \$1.50 value—reduced 75c. to

Strong Specials in Men's Furnishings.

Not alone the low prices quoted that make them specials. Rather because they are just those very things you are most in need of. A bargain in time is doubly a bargain. Here are sufficient quantities for Monday's selling:

Genuine French Percala Neglige Shirts, with collars and cuffs attached; cut large and unusually well made; of neat patterns. 65c. Shirts 21c. in reality for

Imported Madras Pajamas, in neat stripes, checks and plaid effects, cut full and roomy—the cheapest worth \$1.50 and some \$2.50. We say 89c. choice

Men's Fine Madras and Lawn Four-in-Hand Ties, newest and newest effects, 25c. value for

Lot of Men's White Hemstitched Handkerchiefs, GUARANTEED ALL LINEN, and checked of two widths 10c. or hem—worth 25c. for

We shall put on sale to-morrow morning 2 cases of Men's Balbriggan Shirts and Drawers—and we shall ask you to inspect carefully the making, as well as the quality. 50c. Underwear if ever there was any. "Spec" 19c. choice

Men's Leather Belts, all shades, widths and lengths, with harness buckles and rings—worth 35c. 23c. for

5,000 Imported Madras Club Ties, in hundreds of colorings—your own selection of 6 for 25c. patterns

Men's Silk Garters, in all shade webs with finest nickel trimmings, 25c. regular price, justifies us to say—"Spec" at

Men's Imported Half-Hose, the finest Maco Cotton, in black, tan or slate. Such as sell at 25c. Your pick 18c. for

SAKS & COMPANY.

BLOOD POISON

HAVE YOU Sore Throat, Pimples, Copper-Colored Spots, Aches, Old Sores, Ulcers in Mouth, Hair Falling? Write **COOK REMEDY CO., 1677 MASONIC TEMPLE, Chicago, Ill.** for proofs of cures. Capital \$50,000. Worst cases cured in 10 to 25 days. 100-page book free.

STENGEL GUTTERS

Rubber and Steel Stamps
Railroad, Hotel, Baggage
and Brass Checks, Seals
Badges, Stencil and Stamp
Inks, Pads, Daters, etc.
PHOENIX
Stamps and Stencil Works.
Job Printers,
Cor. Nivison and Church Sts.

SLAB WOOD! HARD WOOD!

—GUARANTEED DRY AT—
IN CAR LOAD LOTS
Just Received.
The best for Wood Heaters, seasoned or green. Deliver any quantity.
CHAS. E. SCOTT & CO.
200 LOVITT AVENUE.
Old Phone 231. New Phone 1134.

COBB, BROS. & CO.,

BROKERS.
159 MAIN ST., opposite Atlantic Hotel.
Execute orders in cotton, grain, either on margin or buy and sell outright. Private wire to New York, Chicago and New Orleans. Correspondence solicited. my27-eod-1f

NOTICE!

In this advertisement we have announced several special offers for Monday. Search the columns—you'll find them.
Read the news in the four squares of the four corners of this advertisement.

Silk Crepon and Russian Serge.

In Black we are able to serve you with any of the fashionable weaves and classes at any price. For a fabric out-of-the-ordinary—something composed of silk and wool—one very rich and extremely dressy when made up, get the Crepon mentioned below. For something to travel in—for semi-dress—for durability, get the Russian Serge. Crepon.

46-inch Silk and Wool Crepon—raised blistered dashes shooting and mingling over a crepe back ground, now \$2.50 per yard—was \$3.50. It's beautiful.

48-inch Black Russian Serge, tightly woven, will not wrinkle, being very and springy. A rich black gleams from it. We price it 75c. per yard—one dollar value.

Great Underselling in Domestic Monday.

We suddenly decided to cut the prices on these worthy articles and offer them to you for Monday only at these positively unequaled prices:

4-4 Androscoggin Bleached Muslin 5c. per yard.
36-inch Striped Madras, 20c. quality 12 1/2c.
36-inch 12 1/2c. Percales for 6c. per yard.
Cool, Clean and Clear Crash for 12 1/2c.
Best Lancaster Gingham, best colors, 5c.
10-4 Sheeting 16 1/2 and 18c.
4-4 Che 5c. Cloth 3c. per yard.
Best quality Cotton Diaper 47c. Bolt.
4-4 White Wool Flannel, 50c. grade 35c.
White Donet Flannel 5c. per yard.
Come early Monday morning.

Black Silk Grenadines.

They are beautiful, yet the prices are deeply cut. A charmingly chenille trimmed, transparent filmy fabric it is—but they must go. Note the deep reduction:—

\$27.89 Silk Grenadine Dress Pattern \$19.89.
\$19.00 Checked Grenadine Dress Pattern \$14.98.
\$23.89 handsome Grenadine Dress Pattern, crossing satin checks, \$16.95.
\$28.69 Grenadine Dress Pattern designs, checks touched with chenille, \$19.98.
\$20.00 Silk Grenadine Dress Pattern, wide and narrow mingled stripes alternatingly running lengthwise, \$14.98.
Four handsome French Suits in blue, grey, black and brown, on sale at \$9.98. Original prices \$17.98 and \$18.69. They are handsomely trimmed, all cut and ready to be made.

Half Price on Monday Only.

Tomorrow, Monday, July 3d, we are going to sell to you Ladies' regular 25c. Ribbed Vests for 12 1/2c. Only three to each buyer. They are thin and cool, being made of fine combed cotton. They have those silken stringy necks and arms. A beautiful vest. Come early.

ANOTHER GRAND OFFER.

You ladies in mourning and you are many. We place before you Monday a line of All-Wool Black Cassimere Shawls at half price. Think of it. A tremendous loss to us, but an enormous saving for you. Here:

Four dollar Shawls two dollars.
One fifty Shawls seventy-five cents.
Two fifty Shawls one twenty-five.
Two dollar Shawls one dollar.

White Pique Skirts and Silk Petticoats.

We have reduced the price on the White P. K. Skirts and Silk Petticoats. Don't you need one or the other—or both? Which? Getting two late for us to have them—but just the right time for you to buy. These prices:—

One eighty-nine White P. K. Skirts for one dollar.
Three fifty White P. K. Skirts for two ninety-eight.
Two dollar White P. K. Skirts for one thirty-nine.

SILK PETTICOATS.

Handsome two toned (Changeable) or Plain Taffeta Silk Petticoats with rich colorings, harmoniously blended. These hints: \$7.98 Skirts for \$6.00. \$14.89 Skirts for \$11.00. \$5.69 Skirts for \$4.98. Many more reduced accordingly. They are beautiful Petticoats, beautifully ruffled.

See our line of beautiful Valenciennes Laces.

The style range embraces the daintiest designs you ever saw.

See the Taffeta Silk, the Serge and the Brilliantine Dress Skirts that we are selling at such wonderfully low prices.

See us Early Monday Morning.

We have something important to say to you concerning an important thing. Ask about it.

S. DOZIER

206 MAIN STREET, ACADEMY OF MUSIC BUILDING, NORFOLK, VA.

MONEY IN IT.

Visit us Monday morning early if you want to know about it. Ask about it. We mean what we say!